

ORIGINAL

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December 3, 2003

VIA HAND DELIVERY

Ms. Blanca Bayo
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Ms. Pat S. Lee
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0870

Re: Docket Nos. 030851-TP and 030852-TP, Covad Communications Company's Response to 2003 TRO Data

Dear Ms. Bayo and Ms. Lee:

Attached are Covad Communications Company's Public Responses to Staff's Data Request in the above dockets in both electronic and hard copy format, as well as the notarized statement of Charles (Gene) Watkins, attesting to the accuracy of the responses.

Confidential information has been provided to Ms. Bayo under separate cover in accordance with the Commission's confidentiality procedures.

If you have any questions, please contact me.

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

Sincerely,

Vicki Gordon Kaufman

VGK/bae
Enclosures
cc: Gene Watkins

AUS
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cc: conf records

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 12357-03. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

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DOCUMENT NUMBER-DATE
12357 DEC-3 03
FPSC-COMMISSION CLERK

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DOCUMENT NUMBER-DATE
12356 DEC-3 03
FPSC-COMMISSION CLERK

general_covad_FL
General

	A	B	C
1	Please enter the information requested below in column B in reference to your company		
2	FPSC CODE	5719, 8328	The FPSC code should be on the address label used to send the paper copies of this data request to you.
3	Company Name, as it appears on your provider's certificate	DIECA Communications, Inc. d/b/a Covad Communications Company	Use the company name that appears on the address label, as well.
4	OCN from LERG	Covad is not listed in the LERG	
5	OCN Name from LERG	Covad is not listed in the LERG	
6	Category (CLEC, ILEC, WIRELESS)		
7	AOCN from LERG (administrative)	Covad is not listed in the LERG	Continue with additional affiliations or DBA Names down the columns -->
8	FLPSC code for Affiliations		
9	DBA Names	Covad Communications Company	
10	If you do not provide service or are providing service only via resale in Florida, please enter "No Service" and return this information		
11			
12			
13			
14	Please continue with the data request. We appreciate the time required to complete it		

transport_coved_FL
Transport

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP
1	FROM LEC											TO LEC											TRANSPORT ROUTE																			
2																							Self-Providers									Wholesalers										
3	Central Office Address							Arrangement Type		Central Office Address							Arrangement Type		Transport Type		Number of transport circuits							Transport Type		Number of transport circuits												
4	CLLI	Street Address	City	State	Zip	Vertical Coord. Inlets	Horizontal Coord. Inlets	Cable? (Y/N)	Carrier? (Y/N)	Vertical Coord. Inlets	Horizontal Coord. Inlets	Cable? (Y/N)	Carrier? (Y/N)	Vertical Coord. Inlets	Horizontal Coord. Inlets	Cable? (Y/N)	Carrier? (Y/N)	Star provider? (Y/N)	Dark Fiber? (Y or blank)	DS1P (Y or blank)	DS3P (Y or blank)	Dark Fiber transport circuits pre-terminated	DS1 level transport circuits pre-terminated	DS3 level transport circuits pre-terminated	Dark Fiber working circuits	DS1 level working circuits	DS3 level working circuits	Wholesaler? (Y/N)	Carrier?	Dark Fiber? (Y or blank)	DS1P (Y or blank)	DS3P (Y or blank)	Dark Fiber transport circuits pre-terminated	DS1 level transport circuits pre-terminated	DS3 level transport circuits pre-terminated	Dark Fiber working circuits	DS1 level working circuits	DS3 level working circuits	Supplier?			
5	Covered by non self-provisioned services in the state of Florida.																																									

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG											
1	Self-Providers														Wholesalers																													
2	Customer Information				High-Capacity Loop Type				Number of circuits								High-Capacity Loop Type				Number of circuits																							
3	Street Address	City	Zip	Wire Center CLLI	Self-Provider? (Y/N)	Dark Fiber? (X or blank)	DS1? (X or blank)	DS3? (X or blank)	# Dark Fiber provisioned circuits	# DS1 level provisioned circuits	# DS3 level provisioned circuits	# Dark Fiber working circuits	# DS1 level working circuits	# DS3 level working circuits	Wholesaler? (Y/N)	Dark Fiber? (X or blank)	DS1? (X or blank)	DS3? (X or blank)	# Dark Fiber provisioned circuits	# DS1 level provisioned circuits	# DS3 level provisioned circuits	# Dark Fiber working circuits	# DS1 level working circuits	# DS3 level working circuits	Point-to-Point (P) or Ring (R) configuration	Accessible? (Y/N)	Sole Access? (Y/N)	Using? (Y/N)	Co-located? (Y/N)	Owner? (Y/N)	Loop Owner?	Loop Wholesaler?	Nature of agreement?											
4																																												
5	Covad has not deployed any high-capacity facilities to any customer locations in the state of Florida.																																											

**Covad Communications Company's Clarifications To Its
Responses to Staff's Data Requests in 030851 & 030852**

All of the “switches” identified in the attached spread sheets are ATM switches and should not be considered in the mass market switching docket. Because Covad does not provide voice services over its ATM switches and because ATM switches are not circuit switches, discovery related to Covad’s ATM switches serving only xDSL customers is irrelevant to both the “triggers” and “potential deployment” analyses in this docket. The Federal Communications Commission (“FCC”) states in its Triennial Review Order (“TRO”) that “[f]or purposes of the examination described here, mass market customers are *analog voice customers . . .*” TRO ¶ 497 (emphasis added). In the “triggers” analysis, the FCC repeatedly states that the switches to be considered are *only* those “*actively providing voice service used to serve the mass market.*” TRO ¶ 499 (emphasis added); see also, ¶ 498 (“triggers identify *existing* examples of multiple competitive LECs using their own switches to serve mass market [*analog voice*] customers . . .”) (emphasis added); ¶ 499 (“the identified competitive switch providers should be *actively providing voice service* to mass market customers . . .”) (emphasis added); ¶ 500 (“we find that states shall not evaluate any other factors The key consideration to be examined by state commissions is whether the providers are *currently* offering and able to provide [*analog voice*] service . . .”) (emphasis added).

Similarly, in the “potential deployment” analysis, the FCC states that “States should first examine whether competitors are already using their own switches *to serve voice customers . . .*” and whether there “are two wholesale providers or three self-provisioners of switching *servicing the voice enterprise market . . .*” TRO ¶ 508 (emphasis added); see also ¶ 507. Covad does not provide a single voice service – to mass markets or enterprise markets – over its ATM switches. While ATM switches may have the potential to support certain kinds of voice over internet protocol (VoIP) services, such nascent technologies are not currently available to serve mass markets. Indeed, BellSouth’s potential deployment business model does not assert that VoIP is capable of serving a mass market.

Additionally, the FCC’s consideration of circuit switches is wholly separate from the FCC’s analysis of ATM switching. Indeed, the FCC’s holdings regarding these two kinds of switches are diametrically opposed: circuit switches serving the mass *voice* market are unbundled while ATM switches serving the mass *data* market are not. *Compare* ¶¶ 459-485 with ¶¶ 535-541 (noting that ATM switches are ubiquitous and “are much cheaper to deploy than circuit switches.” ¶ 538). Clearly then, ATM switches and circuit switches are not interchangeable. As such, the discovery served on Covad seeking information about Covad’s ATM switches is not reasonably calculated to lead to admissible evidence and is, consequently, irrelevant.

With regard to end users being served by Covad’s switches: Covad’s switches are located in Covad collocation space in central offices which act as hubs in Covad’s network (Central offices in which Covad is collocated are identified with the CLLI code of that central office. Switches serving those central offices are identified by the CLLI

code of the central office where the switch is located). No end user is directly attached to the switch. The packetized data traffic from end users is connected to Covad's DSLAMs in Covad's collocation space in central offices serving those end users. The totality of data traffic from all of the end users connected to Covad's DSLAMs are, in turn, transported to Covad's hubs, which is where Covad's switches are located, and then Covad's switch. Accordingly, none of Covad's switches "serve" any end users directly. Covad has responded as such.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Implementation of requirements arising
From Federal Communications Commission
Triennial UNE review: Local Circuit Switching
For Mass Market Customers

Docket No. 030851-TP

In re: Implementation of requirements arising
From Federal Communications Commission's
Triennial UNE review; Location-Specific
Review for DS1, DS3 and Dark Fiber Loops,
And Route-Specific Review for DS1, DS3 and
Dark Fiber Transport.

Docket No. 030852-TP

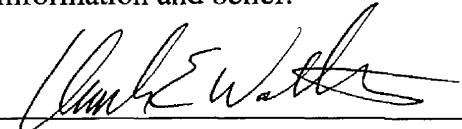
AFFIDAVIT OF CHARLES (GENE) E. WATKINS

STATE OF Georgia

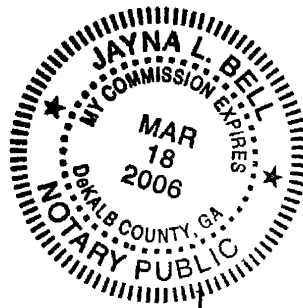
COUNTY OF Fulton

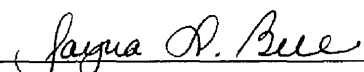
I, Charles (Gene) E. Watkins, being first duly sworn, do hereby depose and state
as follows:

1. I am Senior Counsel to DIECA Communications, Inc. d/b/a Covad Communications Company (Covad).
2. I have reviewed the attached answers of Covad to Staff's Data Request. Such responses are true and correct to the best of my knowledge, information and belief.


Charles (Gene) E. Watkins

SWORN TO AND SUBSCRIBED before me this 2nd day of Dec., 2003, by
Charles (Gene) E. Watkins, who is personally known to me.




Notary Public, State of Georgia
County of Fulton
Commission Number:
My Commission expires: 3/18/2006